

EDUCATION DEPARTMENT[281]

Notice of Intended Action

Proposing rule making related to instructional course for drinking drivers and providing an opportunity for public comment

The State Board of Education hereby proposes to amend Chapter 21, “Community Colleges,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321J.22.

Purpose and Summary

The proposed rule making updates language to accommodate both in-person and online delivery of the instructional course for drinking drivers. During the past year, a significant portion of the courses were delivered online due to the pandemic. Additionally, online delivery of the course was permitted under certain circumstances (e.g., medical necessity). The proposed amendments ensure consistency between the two formats.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 11, 2021. Comments should be directed to:

Thomas Mayes
Department of Education
Grimes State Office Building, Second Floor
400 East 14th Street
Des Moines, Iowa 50319-0146
Phone: 515.242.5614
Email: thomas.mayes@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

May 11, 2021
8 to 8:30 a.m.

ICN Room, Second Floor
Grimes State Office Building
Des Moines, Iowa
Via videoconference:
[IDOE.zoom.us/j/94718226002?pwd=MENTN0xcjJZL25HN2hGZkRRVjZndz09](https://doe.zoom.us/j/94718226002?pwd=MENTN0xcjJZL25HN2hGZkRRVjZndz09)

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 21.31(3) as follows:

21.31(3) Individuals who reside outside the state of Iowa and who are required by the state of Iowa to take a course for drinking drivers shall have the opportunity to take the course in another state, provided:

~~a. The~~ the out-of-state course is comparable to those courses approved to be offered in the state of Iowa.

~~b. The course is delivered in a classroom setting and not online.~~

ITEM 2. Amend subrule 21.31(5), introductory paragraph, as follows:

21.31(5) An instructional course, including allowable delivery formats, shall be approved by the department of education in consultation with the community colleges, substance abuse treatment programs licensed under Iowa Code chapter 125, the Iowa department of public health, and the Iowa department of corrections. The course shall ~~be delivered in a classroom setting with~~ consist of at least 12 hours of instructional time. In-person instruction shall be delivered over a minimum of a two-day period. ~~The course may be offered~~ in blocks not to exceed 4 hours with a minimum of a 30-minute break between blocks. Each student ~~in the class shall receive an individual workbook, and workbooks attending a course shall be provided with the appropriate course materials necessary to complete the course, which~~ shall not be reused. The course shall be taught by an instructor certified by the curriculum provider to teach the course. Each course of instruction shall establish the following:

ITEM 3. Amend subrule 21.32(1) as follows:

21.32(1) Each person enrolled in an instructional course for drinking drivers shall pay to the community college or a substance abuse treatment program licensed under Iowa Code chapter 125 a tuition fee of \$140 for the approved 12-hour course, plus a reasonable ~~book~~ course materials fee. The court may allow an offender to combine the required course with a program that incorporates jail time. Reasonable fees may be assessed for costs associated with lodging, meals, and security.